

REMARKS

The Examiner's action dated March 7, 2008, has been received and its contents carefully noted. The allowance of claim 1-11 and 13 is noted with appreciation.

In response to rejection of claim 12, that claim has been amended herein in a manner to clearly distinguish over the prior art, as will be discussed below.

Request for Withdrawal of Finality of Rejection

It is believed that the present Amendment should be considered to place the application in allowable condition. Nevertheless, if this should not be the case, it must be requested that the finality of the rejection presented in the previous action be withdrawn because the new ground of rejection could not properly be considered to have been necessitated by applicant's amendment.

Specifically, in the previous Office Action the Examiner rejected claims 1-5, but indicated that claim 6, which depended from claims 1-3 and 5, would be allowable if placed in independent form. In view of this indication, a new independent claim 12, containing all of the subject matter of allowable claim 6, was added. Since the Examiner had rejected claims 1-5 and indicated that claim 6 would be allowable, applicant had every right to believe that the allowability was based on the limitations presented in original claim 6 and, in

view of the indication of allowability of claim 6, the Examiner would have expected that such a new claim would be added.

Since new claim 12 includes all of the subject matter of original claim 6 and the Examiner previously indicated that claim 6 would be allowable if placed in independent form, the finality of the rejection of claim 12 could not have been necessitated by applicant's amendment.

* * *

By the present amendment claim 12 has been amended to include all the subject matter of allowed claim 1 relating to a sensor for measuring the quantity of water supplied to the infusion head. As was pointed out in the remarks of the Amendment filed on January 3, 2008, neither of the applied references discloses an arrangement in which the opening of an infusion head is controlled in response to the quantity of water being supplied to the infusion head. Therefore, no reasonable combination of the teachings of the references can be considered to suggest the novel structural arrangement now defined in claim 12.

Specifically, claim 12 distinguishes over the prior art by its recitation of "a sensor for measuring the quantity of water supplied to the infusion head, said sensor being adapted to emit at least one signal in response to measurement

by said sensor of the supply of a quantity of water to the infusion head", and by its recitation that the coffee-maker further comprises means for controlling the opening of the locking device "in response to the at least one signal emitted by said sensor."

Accordingly, it is requested that the prior art rejection of claim 12 be reconsidered and withdrawn and that claim 12 be allowed along with the allowed claims 1-11 and 13.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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